

TESTIMONY OF
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BEFORE THE
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE,
STATE, AND THE JUDICIARY
UNITED STATES SENATE

CONCERNING

THE PRESIDENT'S FY 2002 BUDGET REQUEST

MAY 17, 2001

Introduction

Thank you Mr. Chairman, Senator Hollings, and Members of the Subcommittee for the opportunity to appear before you today to discuss the President's Fiscal Year 2002 budget request for the Immigration and Naturalization Service (INS). This INS budget request builds upon the accomplishments that have been achieved with your strong support. The resources Congress has provided have enabled INS to meet new challenges and strengthen the Nation's immigration system. They have resulted in improvements in how we enforce immigration laws and how we deliver services to our customers.

The President's Fiscal Year 2002 budget request for the Immigration and Naturalization Service totals \$5.5 billion, a 10 percent increase over the Fiscal Year 2001 funding level. This budget includes \$380 million in enhancements to go with a base funding level of \$5.1 billion. The budget will add a total of 1,364 new staff positions, which will allow INS to grow to over 36,200 workyears by the end of FY 2002.

The INS budget for FY 2002 continues to support the immigration goals and strategies that the agency has pursued over the past several years. The thrust of INS' FY 2002 budget is to extend the ongoing initiatives aimed at controlling the Nation's borders and maintaining the physical integrity of those borders. INS intends to build on its successful multi-year strategy to: effectively regulate the border; deter and dismantle smuggling or trafficking of aliens and narcotics in the interior of the United States, as well as other immigration-related crime; identify and remove suspected terrorists; identify and remove incarcerated criminal aliens from the United States, and minimize

recidivism; enhance services and reduce processing backlogs; and reduce immigration benefit fraud and other document abuse.

Border Management

The FY 2002 budget includes an additional 570 Border Patrol Agents and \$75 million to support the border control strategy. We would propose that these resources will be primarily directed to the Southwest border so as to increase the emphasis provided to the eastern California, Arizona and Texas borders. These new agents, plus 570 in FY 2003, will complete the 5,000-agent increase authorized by the Congress.

The FY 2002 budget also requests \$20 million so that deployment of intrusion detection technology, including high-resolution color and infrared cameras and state-of-the-art command centers, will continue. This technology acts as a “force multiplier” to supplement the new agents and provide continuous monitoring of the border from remote sites. This combination of intrusion detection technology and the increased number of Border Patrol Agents will permit INS to enforce the rule of law and enhance border management over larger portions of the U.S. border. This technology assists agents in determining the source of the “hit,” including the number of intruders, and if they are armed, thereby increasing agent safety. The Integrated Surveillance Intelligence System (ISIS) enhancement is an important part of the overall strategy for strengthening control of the border against illegal entry. ISIS will improve remote detection and tracking capabilities, resulting in increased deterrence of illegal border crossing and increased officer safety. Ultimately, it will provide the INS, in particular, the Border Patrol, with

the capability to effectively monitor the integrity of the U.S./Mexico and U.S./Canada national boundaries for purposes of border management.

The INS Intelligence program provides strategic and tactical intelligence support to INS offices enforcing the provisions of the Immigration and Nationality Act, and assists other federal agencies in addressing national security issues. Intelligence program activities contribute support to: preventing the entry of illegal aliens, terrorists and narcotics traffickers; identifying and dismantling alien smuggling operations; detecting fraudulent documents and false claims to U.S. citizenship; and detecting other individuals or organizations involved in the manufacture and sale of counterfeit documents, in application and benefit fraud schemes, and other related criminal activity. The FY 2002 budget includes 78 positions and \$7 million to expand the intelligence program on the northern and southern borders of the U.S.

Air and Sea Ports-of-Entry

INS must balance its limited resources between its goals of detecting those who should not be allowed to enter the United States and managing legal travel across the border. The FY 2002 budget request includes \$50 million for 417 new Immigration Inspectors to staff newly activated air and sea port terminals, high-growth understaffed gateway ports, and joint INS/U.S. Customs passenger analysis units. The request also includes 122 inspection assistants and clerks, along with detention and removals resources to support the significant increases in workloads at high-growth air and sea ports-of-entry. The budget provides for an expansion of the Carrier Consultant Program

to enhance airline carrier training and for the increased workload attributable to the 2002 Winter Olympics.

With these resources, the Service will strive to process 77 percent of all commercial flights within 30 minutes and make strides in streamlining and automating manual processes, improving data integrity, and supporting enforcement requirements. To finance these initiatives, the FY 2002 budget includes language that will increase the current airport inspections fee by \$1 from \$6 to \$7 for arriving international air passengers. It would also lift the cruise ship fee exemption, instituting a \$3 fee for those passengers currently exempt. The increase is to provide resources to cover more of the true costs of operating the program.

In addition, the FY 2002 budget contains \$26 million to expand significant resources for information technology initiatives. Resources are provided to update the National Automated Inspections Lookout System (NAILS) a centralized lookout database which is a compilation of information supplied by automated systems within INS and other federal and local law enforcement agencies. It is a critical system that contains data on individuals who are inadmissible, including criminals and suspected terrorists. The request includes resources to study technology for automated airport inspection alternatives. This budget will provide resources to purchase Live Scan Devices that will send electronic fingerprint submissions to the FBI, develop the Vessel Inspection Processing System (VIPS), and purchase portable workstations to access NAILS at the seaports. The FY 2002 budget will also provide the initial investments necessary to develop an automated entry/exit system as required in the INS Data Management Improvement Act of 2000.

Detention and Removal

In addition to the expansion of INS' more visible enforcement functions, additional funding will strengthen the detention and removal process. It is critical that INS continue to have resources to efficiently house and repatriate illegal aliens encountered both at the border and through enforcement of immigration laws beyond the immediate border area. To that end, 173 positions and \$89 million are requested in FY 2002 for detention and removal initiatives in the areas of expanded national transportation, improved health services for detained aliens, increased detention bed space, and improved coordination with U.S. Attorneys. Included in the \$89 million is a projected \$40 million in Breached Bond/Detention Fund revenue which is anticipated as a result of the reauthorization of adjustment of status provisions of section 245(i) of the Immigration and Nationality Act (INA), and \$7 million for detention beds to support increases in workloads at high-growth air and sea ports of entry.

Consolidated Detention Bed Space

To continue to meet the mandatory detention requirements of the Illegal Immigration and Immigrant Responsibility Act of 1996, the budget request includes \$69 million for 131 positions (68 Detention Enforcement Officers, 33 Deportation Officers, and 30 support positions) and an additional 1,607 average daily state and local detention bed spaces. This initiative includes resources to detain, transport and remove aliens.

National Transportation System

The INS uses the Justice Prisoner and Alien Transportation System (JPATS), created in 1995 by INS and the U.S. Marshals Service, to transport large numbers of detained aliens each year, transferring them to detention facilities or repatriating them. The budget includes an increase of \$9 million to fund the costs associated with the INS' share of JPATS. This increase, when combined with current funding, will fund additional air movements to transfer or repatriate detainees.

Public Health

The budget includes funding of \$9 million to support the increased cost of providing health care for detainees. The INS is committed to ensuring that its facilities are safe and humane, and that adequate medical care is provided to aliens in its custody.

Coordination with U.S. Attorneys

The budget includes 42 positions (28 attorneys and 14 support personnel) to enable the INS to better fulfill its role of providing agency counsel support to the U.S. Attorneys Offices and the Office of Immigration Litigation in immigration-related matters arising in the Federal courts. This critical role involves such efforts as preparing litigation reports when lawsuits arise, and coordinating agency witnesses and evidence. These litigation efforts will facilitate the removal of detained aliens, a substantial number of whom are convicted felons. It will also ensure that aliens not eligible for immigration benefits are appropriately identified and denied any benefit.

Immigration Services

The INS is proud of its accomplishment of processing over one million naturalization applications during FY 2000, and plans to continue the quality and timely processing of applications. The President's FY 2002 budget includes \$100 million to implement the first installment of the President's five-year, \$500 million initiative to process all applications within six months and provide quality service to all legal immigrants, citizens, businesses and other INS customers. These resources will be used for increased personnel, enhanced information technology and other resources to make customer satisfaction a priority.

Infrastructure Improvements

The INS continues to face a number of challenges in maintaining its infrastructure during a period of rapid growth. New and expanded facilities are required to support a work force of over 32,000. The Border Patrol's infrastructure needs are most serious and have been and continue to be given priority attention. Since the authorization of the INS Construction Account in FY 1995, the Congress has provided much-needed resources to allow INS to replace, expand and renovate facilities and to enhance border infrastructure. The INS budget request for FY 2002 continues support for critical infrastructure requirements. It includes \$75 million for construction projects. This total includes \$69 million for Border Patrol and detention construction projects, and \$6 million for additional work on the San Diego Border Barrier System and for the enhancement of border infrastructure through the critical direct support of Joint Task Force Six (JTF-6) for projects such as fences, roads, and border barriers.

Significant Accomplishments

There are several areas of INS operations that should be highlighted due to the accomplishments that have been achieved.

Border Patrol Recruiting and Hiring

The President's blueprint states his intention to fund the INS to hire the remaining 1,140 Border Patrol agents needed to complete hiring of the 5,000 agents authorized by the Congress in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. His plan is that the INS will be funded to hire 570 agents in each of FY 2002 and FY 2003 to achieve the hiring goal. With these 1,140 additional agents, the total increase of 5,000 Border Patrol Agents will be achieved, and the authorized strength of the Border Patrol will be about 11,000.

In FY 2000, INS experienced record increases in the number of Border Patrol applicants and hires as a result of: (a) a more focused, local recruitment process, (b) the training of 300 Border Patrol Agents as recruiters, (c) intensified advertising, and (d) offering a \$2,000 recruitment signing bonus. The enhanced recruitment program was supported in part by \$1.5 million included in the FY 2000 appropriation for these efforts. The Border Patrol has been able to attract sufficient numbers of applicants to meet hiring goals through FY 2001. The INS is currently recruiting to ensure maintenance of a qualified pool of applicants for FY 2002 and is no longer experiencing Border Patrol hiring problems and is confident that hiring commitments will be met in FY 2002 and FY 2003.

In FY 2000, the INS implemented “compressed testing” at 10 Sectors. This allowed applicants to take the written test and receive results immediately upon completion of the exam. If the applicant passed the written exam, he/she could schedule the oral board examination in 2 weeks. This process is 5 or more weeks shorter than the traditional testing process and resulted in a 44 percent increase in applicants actually showing up to take the test.

In FY 2000, the Border Patrol trained 300 agent recruiters who participated in over 1,400 recruiting events ranging from campus and military job fairs, to open houses, to booths at local malls. Border Patrol recruiters were encouraged to establish personal contact and feedback with all interested applicants with positive results. We significantly increased advertising and recruitment incentives.

As a result, in FY 2000, the INS achieved a record number of applicants (an 80 percent increase over FY 1999) due to aggressive recruitment and hiring initiatives to address Border Patrol Agent hiring shortfalls. The increase in recruitment provided the applicant pool with sufficient candidates for an associated increase in hiring. In FY 2000, the INS hired 52 percent more agents than in FY 1999.

During this fiscal year, INS has hired 900 new Border Patrol agents and will hire another 700 by the end of the year. Our training classes are already full through July.

Anti-Smuggling and Anti-Fraud Activities

The INS has a number of significant accomplishments to report in anti-smuggling and anti-fraud operations. During FY 2000, INS disrupted alien smuggling organizations at source countries, the borders and the interior of the United States. The agency used

traditional and non-traditional investigative techniques, cooperation and coordination with the FBI, and broadened use of statutory authorities. The INS presented 7 major cases and 2,520 smuggling principals for prosecution. For example, the “Operation Knight Riders” investigation involved a large-scale alien smuggling organization that specialized in moving large numbers of undocumented aliens from Central and South America and the Middle East into the U.S. The successful completion of this case resulted in 9 criminal arrests and the closure of a major smuggling pipeline. In “Operation Telecom” INS investigated and shut down a sophisticated alien smuggling organization that engaged in recruiting and arranging for the smuggling of Chinese nationals from the People’s Republic of China. This investigation also involved a law firm that assisted the smugglers by arranging bonds so aliens could be released and returned to the smugglers. The firm also filed fraudulent political asylum claims on behalf of the aliens to ensure that they would remain in the U.S.

Border Management and Control

The INS’ border management and control efforts have been producing significant impacts on the border. In FY 2000, INS carried out immigration inspections for nearly 438 million travelers at the land borders and nearly 92 million travelers at airports and seaports. In FY 2001, these inspections are projected to reach 450 million at the land border and 98 million at airports and seaports, with continued growth in FY 2002. The INS has set FY 2001 performance targets of 80 percent of land border inspections in 20 minutes or less, and 72 percent of air flights cleared within 30 minutes. The INS will

also continue the use of automated systems such as dedicated commuter lanes to facilitate the flow of inspection traffic.

During FY 2001, INS is continuing to implement the Border Patrol's National Strategic Plan, a systematic four-phase approach to strengthen control of the border with a national focus of "prevention through deterrence." It is a means to restrict illegal traffic and encourage legal entry. The plan has been implemented in San Diego, El Paso, Brownsville and Nogales and it is getting results. For example, in San Diego apprehensions are at a 25-year low. Apprehensions at other points on the border have also declined. With the deployment of additional personnel and equipment this year, we expect this trend to continue. Changes in apprehension trends will be monitored carefully.

Interior Enforcement/Quick Response Teams

Considerable progress has been made in establishing and staffing the Quick Response Teams (QRTs). In the FY 1999 INS appropriation, Congress provided for the creation of QRTs and directed INS to establish 45 teams with 200 positions. These teams work directly with State and local law enforcement officers to take into custody and remove illegal aliens. Of the 200 QRT officers that have been selected, 193 have entered on duty at their assigned locations. The remaining officers are expected to enter on duty before the end of FY 2001.

Based upon costs incurred during deployment of QRTs to date, INS estimates that it costs approximately \$1.2 million to make each additional QRT site fully operational. Operating costs primarily include an average of estimated personnel-related costs for the

combination of INS special agents, detention officers, and deportation officers, any projected acquisition and build-out costs of any new offices, standard alterations (as required) to existing facilities, and funding to purchase and retrofit the additional vehicles needed. Hence, the funding provided in the FY 1999 appropriations was not fully sufficient to deploy the 45 QRTs, and base funds had to be identified to fund the shortfall. The proposed use of the QRT funds provided in FY 2001 is under development.

Much has been accomplished with the QRTs. During the first quarter in FY 2001, the teams received 2,532 requests for assistance from State and local law enforcement agencies. This figure reflects the largest number of requests received by the QRTs in any given quarter to date. Of the 2,532 requests, QRTs were able to respond to 92 percent (2,317). The response time for 98 percent of all requests was less than three hours. In addition, QRT officers made 2,246 administrative arrests. Of these arrests, 1,214 were voluntarily returned to their respective countries of citizenship. Special Agents deployed at QRT sites presented 171 individuals for criminal prosecution related to alien smuggling, document fraud, and illegal entry.

Detention and Removal

Since the early 1990's, the average daily population of INS detainees has grown from less than 6,000 to over 19,000. This rate of growth was the result of INS' expanded enforcement capability and changes in detention requirements contained in the IIRIRA of 1996. That law requires the agency to detain without bond virtually any alien subject to removal on the basis of a criminal conviction. The INS is also required to detain aliens who have been ordered removed from the U.S. for up to 90 days or until they are

removed, regardless of the basis for the order and the prospects that their home countries will accept their return. As a result, annual removals in FY 2000 were over 180,000. Over 64,000 of these were criminal alien removals. In FY 2001, we project that 67,000 criminal aliens will be removed from the country.

In dealing with the growth in the detention population, INS has issued detailed standards aimed at ensuring consistent treatment and care for all detainees. The standards apply to INS' 9 Service Processing Centers as well as contract facilities and state and local facilities under intergovernmental service agreements. In addition to standards for safe, secure and humane confinement, they provide for consistent and expanded access to legal representation, telephones and family visits.

Immigration Services

Due to an intense, two-year Naturalization Backlog Reduction Initiative, the INS has made tremendous progress in increasing its immigration services' productivity and customer service. In FY 1999, the INS met its first stage goal of completing 1.2 million naturalization applications. In FY 2000, INS again met its naturalization goal by completing approximately 1.3 million applications while achieving a processing time goal of six to nine months nationwide. In FY 2000, INS also completed 564,000 adjustment of status applications, more than in any other year in the INS' history, and outperformed its national processing time goal. The Service also streamlined the "Green Card" renewal process, decreasing the processing time significantly from between 12 and 24 months to 90 days. In FY 2000, the INS also reduced the processing time for employment petitions from 18 months to 90 days. By transmitting fingerprints

electronically to the FBI, the INS decreased the average processing time for background investigation checks from 21 days to one day. The INS enhanced its customer service quality and accessibility by expanding the National Customer Service Center's live, toll-free (1-800 telephone) assistance area across the U.S. mainland, Puerto Rico, the U.S. Virgin Islands, and Guam. In FY 2001, the INS continues working diligently to meet its goal of completing 800,000 naturalization and 800,000 adjustment of status applications.

The INS faces significant challenges in delivering immigration services in the years ahead: (1) eliminating backlogs in all immigration benefit applications; (2) managing and responding to new and changing workload; (3) ensuring process integrity; and (4) positioning itself for the future, including making needed investments in information technology. Over the last several years, the INS has seen a dramatic rise in the number of applications and petitions received. The LIFE Act amendments alone will add an additional caseload of 2.3 million applications and petitions in FY 2001 and 1.2 million applications and petitions in FY 2002 to the current 6.9 million applications received annually, a 26 percent increase over a two-year period. Because this additional workload will strain the existing infrastructure, the INS is exploring new ways of doing business to manage the new workload effectively while continuing to tackle the backlogged caseload aggressively. Premium Processing Service and electronic filing are examples of these new ways of doing business. Besides increased productivity, the INS continues working towards achieving process integrity through its anti-fraud and quality control efforts. Most importantly, the INS strives for excellence in customer service through process reengineering, effective and new use of technology, and greater accessibility to information and services.

Conclusion

The FY 2002 request will provide INS with resources needed to carry out an effective immigration strategy. As you know, this Administration is committed to restructuring and splitting the INS into two agencies with separate chains of command that report to one policy official within the Department of Justice. I look forward to working with the Subcommittee. With your continued support, we can add to the improvements that have already been made and address problem areas and ensure the agency's integrity.

This concludes my formal statement on the FY 2002 budget request for INS. I would be happy to answer any questions which you, Mr. Chairman, and Members of the Subcommittee may have.